

FILED

AUG 20 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 17CR30119-SMY
)	
ALLEN MCCRAY and)	Title 18 United States Code §§1951(a),
VICTOR LINTON,)	924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2.
)	
Defendants.)	

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

Conspiracy to Interfere with Commerce by Robbery

1. Beginning on or about April 12, 2017 and continuing through and including April 21, 2017, in St. Clair County, Illinois, within the Southern District of Illinois, and elsewhere,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, did combine, conspire, confederate, and agree with each other and another known to the grand jury to knowingly and unlawfully obstruct, delay and affect commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951.

2. At all times material to this Indictment, MotoMart, Circle K, Casey's General Store, and Prime Sole were engaged in selling goods, foodstuffs, clothing and other products to customers after obtaining their products from vendors and distribution centers outside of the state of Illinois and engaged in and affecting interstate commerce.

Object of the Conspiracy

3. The object of ALLEN MCCRAY, VICTOR LINTON, and their co-conspirator was to enrich themselves by using physical force and violence to obtain money in the form of United States currency from MotoMart, Circle K, Casey's General Store, Prime Sole, and other victim businesses.

Manner and Means Used to Facilitate the Conspiracy

4. Among the manner and means used by ALLEN MCCRAY, VICTOR LINTON, and their co-conspirator to carry out the object of their conspiracy were the following:
 - a) MCCRAY, LINTON, and with their co-conspirator on or before April 15, 2017, traveled together using a Hyundai Santa Fe to the location of each robbery committed in Missouri, Illinois, and Indiana.
 - b) MCCRAY, LINTON, and, in some instances, with their co-conspirator, used articles of clothing to conceal their face and hair during the course of the robberies.
 - c) MCCRAY, LINTON, and, in some instances, with their co-conspirator, pointed a firearm at the victims and forcibly took money from the person or presence of the victims.
 - d) MCCRAY, LINTON, and, in some instances, with their co-conspirator, generally divided the proceeds of the robberies between themselves and purchased food and clothing from area businesses.
 - e) MCCRAY, LINTON, and, in some instances, with their co-conspirator, purchased ammunition.

Overt Acts

5. In furtherance of the conspiracy, and to effect the illegal objects thereof, MCCRAY, LINTON, and, in some instances with their co-conspirator, performed, participated in and did the following acts, among others, in the Southern District of Illinois:
 - a) On or about April 15, 2017, MCCRAY and LINTON, and another known to the grand jury, did forcibly take and obtain personal property, consisting of United States currency, which was the proceeds of MotoMart's business activities from the person of or in the presence of MotoMart's employee, against her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person by brandishing a firearm.
 - b) On or about April 15, 2017, MCCRAY AND LINTON, and another known to the grand jury, did forcibly take and obtain personal property, consisting of United States currency, which was the proceeds of Circle K's business activities from the person of or in the presence of Circle K's employee, against his will by means of actual and threatened

force, violence, and fear of injury, immediate and future, to his person by brandishing a firearm.

- c) On or about April 15, 2017, MCCRAY and LINTON, and another known to the grand jury, did forcibly take and obtain personal property, consisting of United States currency, which was the proceeds of Casey's General Store business activities from the person of or in the presence of Casey's General Store employee, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person by brandishing a firearm.
- d) On or about April 19, 2017, MCCRAY and LINTON, did forcibly take and obtain personal property, consisting of merchandise, which was the proceeds of Prime Sole's business activities from the person of or in the presence of Prime Sole's employees, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons by discharging and firing a firearm.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT 2

Interference with Commerce by Robbery

6. On or about April 15, 2017, in St. Clair County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, and another known to the grand jury, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that:

- (a) MCCRAY and LINTON and another known to the grand jury, did unlawfully take and obtain personal property consisting of United States currency proceeds of Moto Mart's business activities, from the person and presence of the employee of Moto Mart, against her will by means of actual and threatened force, violence, and fear of injury to her person by brandishing a firearm.
- (b) At all times material to this Indictment, Moto Mart was engaged in selling fuel, goods, foodstuffs, and other products to customers after obtaining their products from vendors and

distribution centers outside of the state of Illinois and engaged in and affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1951.

COUNT 3

Interference with Commerce by Robbery

7. On or about April 15, 2017, in St. Clair County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, and another known to the grand jury, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that:

(c) MCCRAY and LINTON and another known to the grand jury, did unlawfully take and obtain personal property consisting of United States currency proceeds of Circle K's business activities, from the person and presence of the employee of Circle K, against his will by means of actual and threatened force, violence, and fear of injury to his person by brandishing a firearm.

(d) At all times material to this Indictment, Circle K was engaged in selling goods, foodstuffs, and other products to customers after obtaining their products from vendors and distribution centers outside of the state of Illinois and engaged in and affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1951.

COUNT 4

Interference with Commerce by Robbery

8. On or about April 15, 2017, in St. Clair County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, and another known to the grand jury, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that:

- (e) MCCRAY and LINTON and another known to the grand jury, did unlawfully take and obtain personal property consisting of United States currency proceeds of Casey's General Store's business activities, from the person and presence of the employee of Casey's General Store, against his will by means of actual and threatened force, violence, and fear of injury to his person by brandishing a firearm.
- (f) At all times material to this Indictment, Casey's General Store was engaged in selling goods, foodstuffs, and other products to customers after obtaining their products from vendors and distribution centers outside of the state of Illinois and engaged in and affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1951.

COUNT 5

Brandish Firearm During a Crime of Violence

- 9. On or about April 15, 2017, in St. Clair County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, and another known to the grand jury, did knowingly brandish, carry and use a firearm during and in relation to, and did knowingly possess a firearm in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, Interference with Commerce by Robbery, as named and more fully described in Count 4 of this Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii) and 2.

COUNT 6

Interference with Commerce by Robbery

10. On or about April 19, 2017, in Effingham County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that:

(g) MCCRAY and LINTON did unlawfully take and obtain personal property consisting of clothing from Prime Sole's business activities, from the person and presence of the employees of Prime Sole against their will by means of actual and threatened force, violence, and fear of injury to their persons by discharging a firearm.

(h) At all times material to this Indictment, Prime Sole was engaged in selling goods, clothing, and other products to customers after obtaining their products from vendors and distribution centers outside of the state of Illinois, engaged in, and affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1951.

COUNT 7

Discharge a Firearm During a Crime of Violence

11. On or about April 19, 2017, in Effingham County, within the Southern District of Illinois,

ALLEN MCCRAY and VICTOR LINTON,

Defendants herein, did knowingly discharge, fire, carry and use a firearm, that is a .25 Caliber Colt semi-automatic pistol bearing serial number 226374, during and in relation to, and did knowingly possess a

firearm in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, Interference with Commerce by Robbery, as named and more fully described in Count 6 in this Indictment.


All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii) and 2.


FORFEITURE ALLEGATION

Upon conviction of the offense alleged in Counts 1 through 7, inclusive, of this indictment,

ALLEN MCCRAY and VICTOR LINTON,

shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and any and all ammunition contained within the firearms or seized with the firearms and involved in or used in any knowing violation of 18 U.S.C. § 924, including, but not limited to, the following: 25 Caliber Colt semi-automatic pistol bearing serial number 226374.



JENNIFER HUDSON
Assistant United States Attorney


STEVEN WEINHOEFT
United States Attorney



Recommended Bond: DETENTION